

THE CONFLICT OF LAWS by R. H. Graveson. [London, Sweet & Maxwell Ltd. 1960. £2-5-0. xliv + 587 pp. incl. index].

The appearance of the fourth edition of Professor Graveson's *The Conflict of Laws*, which will doubtless be welcomed by students of the subject, shows not only that the demand for the book is being maintained, but also that its gradual metamorphosis into something quite different from that which the first edition set out to be, continues.

In his preface Professor Graveson states that the fourth edition has undergone a "moderate increase in size" over the third edition; it is actually an increase of 81 pages which represents an increase of 16% over the third edition. This is hardly moderate. The fourth edition is in fact nearly 200 pages longer than the first edition; an overall increase of nearly 50%. Writing in the preface to the first edition Professor Graveson stated that the purpose of the work, namely that it was written for students approaching the subject for the first time, determined its modest size. If the book continues to grow at its present rate it will soon lose whatever modesty it may once have possessed.

This increase in girth, moreover, cannot wholly be explained on the basis that it has been necessitated by the need to take account of new statutes and cases. The fourth edition cites 845 cases, an increase of 60% over the first edition, but of the additional cases cited in the fourth edition nearly 40% were decided before the first edition was published, which indicates that much of the increase in size is accounted for by the addition of material which is not new.

Another feature of the various editions of this book is that, as edition has succeeded edition, although much has been added, practically nothing has been deleted. Thus inspection of the table of cases reveals that only two cases which were cited in the first edition have been dispensed with in the fourth edition; *Quinn v. Leathem* and *Cohen v. Daniels*, neither of which can be regarded as cases of the first importance for private international law. Professor Graveson writes in his preface that the inclusion of new material has occasioned much re-writing. Surely it would have been possible when undertaking this re-writing to cut away some of the dead wood.

The manner in which much of the new material has been incorporated leaves, it is submitted, much to be desired. One example of this which has already been referred to elsewhere in this Review concerns the treatment accorded to the Court of Appeal decision in *Ramsay-Fairfax v. Ramsay-Fairfax*. This decision was first noted in the third edition, but neither there nor in the fourth edition was any attempt made to recast the formulation of the law relating to nullity jurisdiction in the light of the rejection by the Court of Appeal of the validity of the distinction, for jurisdictional purposes, between void and voidable marriages. It is to be hoped that the opportunity will be taken in the fifth edition, now that the Court of Appeal has reiterated this point in *Ross Smith v. Ross Smith*, to extirpate this unnecessary complication.

Another illustration is provided by the treatment accorded to the decision in *Phrantzes v. Argenti*. This is dealt with by Professor Graveson merely by a para-

graph which has been inserted in the chapter on procedure. The decision, however, surely warrants more extended treatment than this.

Although it is more than a decade since the first edition appeared Professor Graveson has not seen fit to make any alteration in the arrangement of his material. This seems unfortunate since the arrangement adopted is far from ideal in a student's textbook. It seems to be based on the idea that all the difficult theoretical matter must be dealt with before the reader gets down to the real meat of the subject. This type of exposition has already been rejected in the law of tort by such writers as Flemming and Street, and it seems a pity that Professor Graveson has not taken the opportunity presented by the appearance of his fourth edition to adopt a more realistic arrangement. Indeed the author himself seems well aware that his arrangement is unsatisfactory since he appends to Chapters II and III the following footnote :

Those unfamiliar with the main ideas of the conflict of laws are recommended to postpone reading this chapter and the next until they have read the rest of the book.

Since the book is written for students approaching the subject for the first time who will, by definition, be unfamiliar with the main ideas of the subject, it would seem preferable to put the chapters in the order in which the majority of readers are expected to read them.

Professor Graveson continues to give cross-references to his companion work: *Cases on the Conflict of Laws*. The latter is, however, now over eleven years old. The amount of new material now incorporated in the textbook is so great that the relationship between the two works is being seriously affected. It is to be hoped that a new edition of the *Cases* will be published soon, otherwise the companionship of the two works will become rather strained.

In this edition the table of cases has been considerably improved but a number of errors have crept in. Neither *Astell v. Lepage*, referred to on page 370, nor *Hearle v. Greenbank*, referred to on page 425, are mentioned at all. *Roe v. Roe*, which is correctly cited in the footnotes as (1917) 115 L.T. 792 appears in the list of cases as [1958] 3 W.L.R. 1380. *Andrews v. Andrews & Sullivan* is reported at [1958] P. 217 not [1958] p. 217; *Campbell v. Hall* is reported in Cowp. not Comp; *re. Cunningham* is not in fact reported both in 1608 and 1924, but only in the latter year; *Papadapolous v. Papadapolous* is reported at [1930] P. 55 not [1930] R. 55 whilst *R. v. Anderson* is reported at L.R. 1 C.C.R. not L.R. 1 C.C. & R. For three cases, *Anon* (1611); *Slany v. Cotton* (1625) and *Wier's case* (1607) the only reference given in the table of cases is a reference to the English Reports, although named reports are cited in the footnotes. Now while there is much to be said for the idea of dropping the reference to name reports where the report appears in the English Reports, but there does not seem to be much justification for adopting this practice with regard to only three cases.

The compilers of the table of cases have not taken the lead from the learned editors of Dicey and adopted the correct reference to *Salvesen v. Administrator of Austrian Property*, which, as Dicey's learned editors pointed out, should be *Von Lorang v. Administrator of Austrian Property*. Finally it is difficult to see the justification for citing *De Massa v. De Massa* solely with a reference to the second edition of Morris' *Cases on Private International Law* when the judgment of Lord Merrivale is reported in [1939] 2 All E.R. 150n.

The conclusion to which consideration of this edition leads is that the book remains an accurate, reasonably concise if unduly cautious exposition of English conflict of laws which is beginning to show signs of suffering from too frequent conservative editing. It is ceasing to be sufficiently concise and it is losing its character as a balanced exposition of the principles of the whole subject.